

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

NICHOLAS DOUGLAS; TASHEKA  
BRYAN; JUNIOR HARRIS;  
MARCUS RICHARDS;  
STEPHANEY SMITH; and those  
similarly situated,

Plaintiffs,

vs.

YELLOWSTONE CLUB  
OPERATIONS, LLC; and  
HOSPITALITY STAFFING  
SOLUTIONS, LLC,

Defendants.

No. CV 18-62-BU-SEH

**ORDER**

On August 24, 2020, Plaintiffs filed an Unopposed Motion for Preliminary Approval of Class Action Settlement Pursuant to Rule 23(e)(1)<sup>1</sup> and brief in support.<sup>2</sup> On August 31, 2020, the Court denied the motion without prejudice with

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<sup>1</sup> Doc. 63.

<sup>2</sup> Doc. 64.

the option to resubmit the preliminary approval request on or before September 11, 2020.<sup>3</sup>

On September 2, 2020, Plaintiffs filed a First Supplemental Brief in Support of their Unopposed Motion for Preliminary Approval of Class Action Settlement Pursuant to Rule 23(e)(1).<sup>4</sup> A telephonic status conference with counsel was conducted on September 3, 2020.<sup>5</sup>

On September 18, 2020, Plaintiffs filed a Second Supplemental Brief in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement Pursuant to Rule 23(e)(1).<sup>6</sup> Both Defendants responded on September 25, 2020.<sup>7</sup>

On November 10, 2020, the Court held a status conference. The parties were allowed to and including December 4, 2020, to amend the proposed class settlement. A Joint Written Stipulation Agreeing with the Court's Proposed Allocation Plan<sup>8</sup> was filed on December 4, 2020.

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<sup>3</sup> Doc. 66 at 3-4.

<sup>4</sup> Doc. 68.

<sup>5</sup> Doc. 69.

<sup>6</sup> Doc. 75.

<sup>7</sup> Docs. 76 and 77.

<sup>8</sup> Doc. 87.

The Court is presented with the decision of whether to issue notice and preliminarily approve Plaintiffs Unopposed Motion for Preliminary Approval of Class Action Settlement Pursuant to Rule 23(e)(1)<sup>9</sup> as modified by the Joint Written Stipulation Agreeing with the Court's Proposed Allocation Plan.<sup>10</sup>

**ORDERED:**

1. The following proposed class is conditionally certified for purposes of notice under Federal Rule of Civil Procedure 23(e):

ALL PERSONS WHO WORKED AT THE YELLOWSTONE CLUB BETWEEN OCTOBER 2017 AND MAY 2018 ON NON IMMIGRANT H-2B VISAS AND WHO WERE ON THE PAYROLL OF HOSPITALITY STAFFING SOLUTIONS (HSS) DURING THAT PERIOD.<sup>11</sup>

2. Plaintiffs' Unopposed Preliminary Approval of Class Action Settlement Pursuant to Rule 23(e)(1)<sup>12</sup> as modified by the Joint Written Stipulation Agreeing with the Court's Proposed Allocation Plan<sup>13</sup> is GRANTED.

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<sup>9</sup> Doc. 63.

<sup>10</sup> Doc. 87.

<sup>11</sup> Doc. 87-4 at 2.

<sup>12</sup> Doc. 63.

<sup>13</sup> Docs. 87 and 87-1 to 87-4.

- a. On or before January 8, 2021, Defendants shall provide to Plaintiffs the names and contact information of each member of the class.
- b. On or before January 8, 2021, Plaintiffs shall serve Class Action Fairness Act notices on each member of the class.
- c. On or before January 22, 2021, Plaintiffs shall issue and transmit notice and the opt-out forms in accordance with the joint stipulation<sup>14</sup> to each member of the class.
- d. On or before March 26, 2021, any class member wishing to object to the class settlement must mail a written objection to Plaintiffs' counsel. Any class member who does not state his or her objection to the settlement in the manner provided shall be deemed to have waived such objection and is foreclosed from making any objection to the fairness of the proposed settlement, unless otherwise ordered by the Court.

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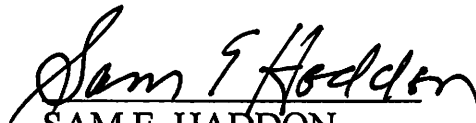
<sup>14</sup> Doc. 87; *See* 87-2 and 87-3.

e. On or before April 2, 2021, Plaintiffs shall file a motion for final approval, an account of Plaintiffs' fees and costs, and a final calculation of all payments to be made to individual class members.

3. A fairness hearing will be held at 10:00 a.m. on April 22, 2021, **at the Paul G. Hatfield Courthouse, Courtroom I, Helena, Montana**, to address and decide whether to issue final approval of the class action settlement.

4. In keeping with the protocols of Administrative Order 20-25 effective July 13, 2020, and absent modification or suspension of that Order, and except as may otherwise be ordered by the Court, removal of masks by counsel and other speaking participants at the April 22, 2021, hearing is authorized for purposes of witness testimony, party identification, making an appropriate record, statements by and to the Court, or for such other reason or reasons deemed by the Court to be necessary and appropriate. Appropriate social distancing and other protective measures will be observed.

DATED this 30<sup>th</sup> day of December, 2020.

  
SAM E. HADDON  
United States District Court